

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL DAY,

Plaintiff,

v.

NILES TOWNSHIP HIGH
SCHOOL DISTRICT #219,

Defendant.

Case No. 20-CV-5772

Hon. Matthew F. Kennelly

**DEFENDANT’S RULE 12(b)(6) PARTIAL
MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Defendant, the Board of Education of Niles Township High School District (the “District”), by and through its undersigned attorneys and pursuant to Fed. R. Civ. P. 12(b)(6), respectfully moves this Court to dismiss the Illinois Human Rights Act claims in Count I of the Complaint with prejudice; to dismiss Count II of the Complaint for failure to state a claim under 42 U.S.C. § 1983, and to dismiss the race discrimination claim in Count III of the Complaint with prejudice, for the reasons set forth in the accompanying Memorandum of Law.

Respectfully Submitted,

**BOARD OF EDUCATION OF NILES
TOWNSHIP HIGH SCHOOL DISTRICT
#219**

By: Caroline K. Kane
One of Its Attorneys

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October 26, 2020

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she caused a true and correct copy of the foregoing **DEFENDANT'S RULE 12(b)(6) PARTIAL MOTION TO DISMISS PLAINTIFF'S COMPLAINT** to be served on the following party of record by regular U.S. Mail, proper postage prepaid, after filing with the court's CM/ECF system on this 26th day of October 2020.

Mr. Michael Day
7515 S. Langley
Chicago, IL 60619

A handwritten signature in black ink, reading "Caroline K. Kane", written over a horizontal line.